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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 89th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 September 1993, at 10 a.m.

Chairperson: Ms. MASON

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Initial report of the Sudan (CRC/C/3/Add.3 and 20; CRC/C/15/Add.6)

1. The CHAIRPERSON recalled that the Committee had begun consideration of the initial report of the Sudan at its 69th, 70th and 71st meetings (third session). Due to the complexity of the situation and the problems facing children in the Sudan, it had decided to continue consideration of the initial report at its fourth session. It had also requested the State party to provide it with additional information, in accordance with rule 69 of the provisional rules of procedure and article 44, paragraph 4, of the Convention, on particular areas of concern identified by the Committee and on the results of any recent surveys undertaken. Paragraphs 7 to 13 of the preliminary observations of the Committee on the Rights of the Child: Sudan (CRC/C/15/Add.6) set out the Committee's principal concerns.

3. Mrs. BELEMBAOGO said that failure to give effect to one of the rights of the child necessarily had an adverse impact on all the others. That was why she could not accept the statement in the additional report by the Sudan (CRC/C/3/Add.20, para. 2) to the effect that factors such as civil war, structural readjustment measures, infrastructural inadequacies, drought and desertification were not impeding implementation of the Convention but had merely prevented the country from implementing some of the articles as it would have wished. She did not question the Sudanese will to implement the Convention, but that instrument formed a whole, and the rights it enumerated were interdependent.

4. Furthermore, the additional report by the Sudan said that the authorities had undertaken relief operations in vulnerable areas. It was encouraging news, but the conflict continued and the causes for concern still remained. She nevertheless welcomed the holding in May 1993 of a seminar on the implementation of the Convention on the Rights of the Child in the Sudan, and asked to what extent the Sudanese Government had acted on the seminar's recommendations.

5. The additional report stated that a number of Sudanese refugees abroad were returning to the Sudan. She asked for the numbers involved, what kind of welcome they received and whether measures for reintegration were taken, particularly so far as children were concerned.

6. As to abandoned children, she asked whether, in addition to foster camps, other steps were being taken, such as family placement or adoption. How were those foster and reintegration camps financed - by the Government or from private sources? In the latter case, what would happen if the donors withdrew from the projects? A distinction appeared, moreover, to be made between vocational training for boys and for girls, who were taught domestic skills unlikely to promote their future economic independence. It might indeed be asked whether they were not simply being groomed as housewives.

7. The additional report (CRC/C/3/Add.20) also stated that the present authorities were doing everything in their power to narrow the difference between rates of school enrolment of boys and girls. What was actually being done in that connection? Were there enough specialized institutions for the rehabilitation of minors to meet actual requirements? Did such institutions exist in all regions of the country?

8. Mr. HAMMARBERG said he welcomed the establishment of a committee chaired by the head of the Sudanese delegation, with responsibility for reviewing all laws pertaining to children and comparing them with the provisions of the Convention; he also commended the holding of a seminar on the implementation of the Convention on the Rights of the Child in the Sudan. The Committee had been concerned about the incompatibility of certain national laws with the letter and spirit of the Convention, notably in the matter of recourse to flogging as a punishment. What were the future prospects in that respect?

9. Concerning international cooperation, the Committee had been disturbed that relief could not be delivered to certain regions because of the situations there, and children were suffering as a result. In such circumstances, it was for all concerned - the Government, rebel groups and the international community - to shoulder their responsibilities: they must do everything possible to ensure that help reached the zones in question. The Committee had learnt of positive developments, but there were still regions in which there was room for further progress. In that connection, the additional report mentioned that prior authorization was no longer required for international voluntary organizations to travel throughout the country wherever they were needed. Nevertheless, some NGOs continued to complain that their operations were still being hampered by the need to obtain such authorization.

10. Paragraph 17 of the additional report (CRC/C/3/Add.20) mentioned an agreement between the Government and the international organizations for the supply of foodstuffs. It appeared that the agreement had not yet been fully implemented. The Sudanese Government had undertaken to provide 153,000 tonnes of sorghum, but had only delivered 61,000 tonnes. The information contained in the report should, therefore, be treated with caution. Lastly, and with regard to displaced children, he himself had read the reports by Mr. Eliasson, Mr. Deng and Mr. Kouchner, mentioned in paragraph 19 of the additional report of the Sudan, and had found nothing in them to disprove contentions by certain organizations that forcible displacements of population had occurred.

11. Mrs. SANTOS PAIS said that she welcomed the establishment of a committee to review all laws on children and to determine whether they were consistent with the provisions of the Convention. Had that committee already submitted its recommendations? Had changes already been made in the legislation on subjects of concern to the Committee on the Rights of the Child, such as flogging, the administration of justice and female circumcision? What measures had been taken to train child welfare workers?

12. Mrs. EUFEMIO asked what had been done to fulfil the targets in the National Plan for the Survival, Protection and Development of Children mentioned in paragraph 11 of the Sudan's additional report. She requested a list of the programmes referred to in paragraph 12 as well as an evaluation of

the number of children affected by each of the programmes. It would also be useful for the Committee to hear about the conclusions of the socio-economic survey on the situation of refugees in the "peace villages" mentioned in paragraph 19. The report indicated that the children could be visited by members of their family. What sort of alternative arrangements were envisaged in order to re-establish a family environment for children who no longer had families? What job opportunities were available for abandoned children who had received training?

13. Mgr. BAMBAREN GASTELUMENDI recalled that during the consideration of the Sudan's initial report, the head of the delegation had undertaken to work for the abolition of corporal punishment. Had legislation been adopted to prohibit such punishment? He was extremely concerned about the infant mortality rate in the Sudan, which was among the highest in the world. The number of women who died during childbirth was also excessively high. What were the reasons and what measures had been taken to combat them?

14. Mr. HAMMARBERG, speaking on a point of order, said that, in view of the limited time available for considering the rights of the child in the Sudan, the Committee should adopt a more rigorous approach to its work: it should go over, in order, the main points set out in the list contained in document CRC/C/15/Add.6 (paras. 7-13).

15. The CHAIRPERSON endorsed Mr. Hammarberg's comment and asked the Sudanese delegation to answer, in order, the questions in document CRC/C/15/Add.6.

16. Mr. ABDELHALIM (Sudan) said that, when he had returned to the Sudan following the Committee's consideration of his country's initial report (CRC/C/3/Add.3), he had transmitted to the National Council for Child Welfare, as well as to the competent governmental bodies, the observations and recommendations made by the Committee. A committee had been established to review all laws pertaining to children and to determine whether they were consistent with the Convention, as well as to submit recommendations with a view to eliminating any contradictions between Sudanese law and the provisions of the Convention. The committee had recommended, inter alia, the abolition of flogging as a means of punishment. Those recommendations were to be submitted to the Prime Minister, who would then transmit the necessary legal amendments to the Transitional National Council.

17. Mrs. SANTOS PAIS said she hoped that that recommendation would be followed up and that the Sudanese authorities would abolish the practice of flogging. On a related subject, she asked whether the Commission had submitted recommendations to the Council of Ministers with regard to criminal responsibility and traditional practices that could jeopardize the health of children, particularly of girls.

18. Mr. ABDELHALIM (Sudan) said that female circumcision had been prohibited by law since 1948 and had absolutely nothing to do with religion. It was not enough, however, for the practice to be proscribed by law: in order for the law to be applied, individuals must submit complaints. Yet social pressure and the weight of tradition were extremely heavy, particularly in rural and

remote areas. The only means of combating the practice was to make people aware of the dangers involved. A number of non-governmental organizations were trying to do just that.

19. The CHAIRPERSON asked how progress in the struggle against female circumcision could be gauged.

20. Mr. HAMMARBERG stressed that the practice was still widely followed, especially in the northern part of the country. What additional steps did the Government intend to take to put an end to it? Among other things, women who went to health centres to give birth should be clearly informed by health personnel of the risks that female circumcision involved for small girls. Transmission of the tradition from mother to daughter must be stopped.

21. Mr. MOMBESHORA asked what the Sudanese Government intended to do to prosecute individuals who violated the law prohibiting female circumcision. The Committee also needed to know what percentage of Sudanese women were victims of the practice.

22. Mrs. BELEMBAOGO said that female circumcision was a serious affront to the dignity of women but was all too well rooted a practice in Africa. As Mr. Abdelhalim had noted, people did not bring complaints because the decision to carry out female circumcision was taken within the family, often by older people, and sometimes against the will of the parents. People were often impervious to information campaigns, which, they thought, were organized by intellectuals who had little respect for tradition. The question was whether the Government was truly determined to combat the practice and to support the efforts made by non-governmental organizations. Did religious leaders take an open and strong position against the practice? It would be interesting to know whether the Koran mentioned female circumcision.

23. The CHAIRPERSON, speaking as a member of the Committee, said she shared the concerns voiced by Mrs. Belembaogo.

24. Mrs. EUFEMIO said that making the population aware of the gravity of the problem was a long-term task. How did the Government intend to involve village communities in the struggle against female circumcision?

25. Mr. ABDELHALIM (Sudan) said he was deeply concerned about the continued practice of female circumcision, but the custom had virtually disappeared in the cities and his Government was striving to convince the rural population to give it up. The subject was brought up in the media and in school curricula. A number of professional associations, particularly the association of physicians, were working to end the practice. The Sudanese Government, in collaboration with the League of Arab States, the United Nations Fund for Population Activities and the United Nations Children's Fund, had initiated a mother and child health survey which would, inter alia, help to determine the extent to which female circumcision was still practised in the Sudan. There were laws prohibiting it, but attitudes needed to be changed as well. Nothing in the Koran condoned female circumcision.

26. Replying to a question raised by Mrs. Eufemio, he said that the struggle against female circumcision could never be successful unless the family and the village community were involved in it.

27. Mrs. SANTOS PAIS, welcoming the fact that the Convention could be invoked in court, emphasized that the problem of female circumcision could not be solved through legislation alone and public education was vitally important. What effective measures did the Government of the Sudan intend to take to abolish the practice?

28. The CHAIRPERSON invited the delegation of the Sudan to reply to questions on international cooperation and in particular on collaboration between non-governmental organizations and the Sudanese Government in the matter of humanitarian aid.

29. Mr. ABDELHALIM (Sudan) said that it was wrong to claim, as certain people in the West did, that NGOs were always right and Governments always wrong. NGOs were sometimes duped, as was the case with those more concerned with supplying arms to the combatants than with providing humanitarian aid to those in need of it. It was not surprising that such organizations were not allowed to enter Sudanese territory.

30. In January 1993, a meeting had been held in Khartoum with the participation of representatives of the Sudanese Government, United Nations specialized agencies and NGOs working in the Sudan. The meeting had ended with the signing of an agreement setting out the terms and conditions under which international NGOs could enter and operate in the Sudan. The formalities required of NGOs had been simplified. For example, the need for prior certification had been waived. The decision had also been taken to publish reports on the application of the agreement and to create a follow-up committee made up of representatives of all parties. In addition, the United Nations Special Envoy for Humanitarian Affairs for the Sudan had visited the country from 5 to 11 August 1993 to find out how the Khartoum agreement was being applied.

31. The meeting in Khartoum in January 1993 between the Sudanese Government, the United Nations and international non-governmental organizations had resulted in a new agreement and in the creation of a new centre for the coordination of NGO operations, affording international NGOs the means to perform their tasks better in connection with aid, rehabilitation and development. The Special Envoy had noted that the agreement concluded in January was being implemented and had welcomed the cooperation between national and international NGOs in technical services for development, cooperation which enhanced the effectiveness of activities at national level. The agreement had emphasized the need to simplify the administrative formalities required of international non-governmental organizations through the creation of a coordination centre.

32. Replying to Mr. Hammarberg, he said that the authorities had previously issued work, residence and travel permits within 10 days. Now, the "Commission for Voluntary Work" under the direction of the Secretary-General of the Sudanese Council of Voluntary Organizations, rather than pass on

applications for permits, asked the competent authorities to send officials into the field; the formalities were completed in a matter of hours. He could personally confirm that the Commission was meeting its commitments.

33. With regard to the emergency situation and recovery and development requirements, an agreement had been reached on assistance for the poor. Furthermore, the Government of the Sudan was to allow access to all regions if security conditions made that possible, although it would not allow relief teams to enter dangerous areas. At the same time, in order to make those operations more transparent, it had been agreed that United Nations reports would be sent more regularly and without delays to the Commission for Voluntary Work, in particular those concerning the "Survival Sudan" operation in the south of the country. Emergency aid would be provided in all regions accessible to the United Nations, in the light of a consensus appraisal. Thus, 16 fact-finding missions had been sent to the south, to Tarfour and to Kordofan, with the participation of international non-governmental organizations, the United Nations and the Sudanese Government. Overall, he believed that the Government had done everything in its power to allow the non-governmental organizations to do their work properly. However, having been personally involved in the activity of some non-governmental organizations, he was concerned about the activities of individuals who overstepped certain limits.

34. In reply to Mr. Hammarberg's question about the distribution of food aid, he referred to the meeting held on 24 September. The Ministry of Finance had addressed a letter to the Director of Operations of the World Food Programme stating that, as a result of the meeting, the Government had reaffirmed its commitment to distributing 153,000 tonnes of sorghum through the Programme. Of that amount, 20,000 tonnes could now be delivered through the Shamal Bank, in addition to the 80,000 tonnes already distributed. The sorghum requirements were thus on the way to being met and the established timetable was still being followed for future deliveries. With regard to the remaining 53,000 tonnes, the Ministry had given an assurance that they would be delivered on time.

35. As to article 4 of the Convention, international cooperation should be reciprocal, not one-sided. Nevertheless, he acknowledged the difficulties faced by donor countries involved in other operations, such as those in Somalia, Cambodia or Bosnia. The Government of the Sudan for its part was not always able to ensure the delivery of international aid and was at the mercy of rebel groups which hijacked such aid. The organizations concerned, too, had a duty to ensure that operations were successful.

36. The CHAIRPERSON commended the efforts the Sudanese Government had made.

37. Mr. HAMMARBERG said he welcomed the action the Sudanese Government had taken since the Committee's third session, which would make it easier to bring the famine under control. It was true that international cooperation should be not a one-way but a two-way process; the Committee was obliged, under article 45 (b) of the Convention, to transmit to the responsible bodies any report from a State party containing a request for technical assistance.

38. The dissatisfaction of a number of non-governmental organizations had reached a point where their trust and also that of donors was likely to evaporate in view of the difficulties under which they were operating, not only because access to some areas was impossible but also because the army occasionally commandeered their vehicles and used them for purposes other than humanitarian aid. Furthermore, the exchange rates in the Sudan were such that sums collected in hard currencies yielded considerably fewer Sudanese pounds than had been anticipated.

39. Nevertheless, it had to be acknowledged that in Sudan some non-governmental organizations had engaged in activities other than those expected of them. Their irresponsible behaviour had cast a shadow on the reputations of other organizations, most of which were working for the good of children. On the other hand, some non-governmental organizations had complained of difficulties in getting access to some areas not only because of the lack of security but also because of lengthy administrative procedures for obtaining entry permits. In that context, the new coordination centre would be very useful.

40. Non-governmental organizations were also concerned about the local staff they engaged, who in some cases had been interrogated by the security forces seemingly on their own initiative; such staff felt threatened. He asked Mr. Abdelhalim to look into the matter on his return to Sudan and to keep an eye on it. The staff in question complained of being kept under surveillance (telephone tapping for example), and he hoped that such difficulties could be overcome in order to establish a climate of trust. On behalf of the Committee, he welcomed the measures that had been taken to ensure that children did not suffer from the lack of communication and understanding between the various bodies working in Sudan.

41. Mr. ABDELHALIM (Sudan) thanked Mr. Hammarberg for his comments. With regard to complaints, under the agreement between the Government, the United Nations and the international non-governmental organizations they could be channelled through the follow-up committee. However, such complaints would have to be reasonable and thought would have to be given to what steps it would be feasible for the Government to take in response.

42. Mr. HAMMARBERG suggested that Mr. Abdelhalim might ask his Government to see that the security forces put an end to their surveillance of the Sudanese staff of some non-governmental organizations, and to look into the complaints by some non-governmental organizations that their vehicles had been seized and, where necessary, have such vehicles returned.

43. Mr. ABDELHALIM (Sudan) said that, so far as he was aware, no vehicle had been seized by the authorities and handed over to the army. However, two vehicles had fallen into the hands of the rebel movement; one, belonging to an international non-governmental organization, had been used to carry arms. At the request of the non-governmental organization concerned, he himself had asked the Ministry of Foreign Affairs to inform the Government of any such incidents in the future, on the understanding that the organization was no longer responsible for vehicles when stolen. To avoid such problems in future, it would be advisable for all complaints to be addressed to the follow-up committee and the coordination centre. As for the local staff of

non-governmental organizations, it should be remembered that they were subject to Sudanese law and were not entitled to claim diplomatic immunity. He would further point out that, whatever the situation in the Sudan, internal policy was a matter for the Sudanese Government to decide.

44. Mr. MOMBESHORA said he, too, welcomed the measures taken by the Sudanese Government following the Nairobi meeting to facilitate the work of the non-governmental organizations with respect to food relief. However, he was very concerned about the difficulties encountered in supplying medicines to areas where diseases such as tropical ulcer and leishmaniasis were rife. He also asked whether there had been any improvement in primary health care in the Sudan.

45. Mr. ABDELHALIM (Sudan) said that his country was afflicted with many endemic diseases. It was possible to supply medicines in emergencies with the help of UNICEF and UNFPA, for example as part of the Bamako initiative to establish a revolving fund for the purchase of medicines. The Government was also making great efforts to encourage national manufacture of basic drugs. A number of United Nations bodies and non-governmental organizations also gave financial help, but national production was still well below the country's needs.

46. Mrs. SANTOS PAIS said that the Sudanese delegation had apparently not understood the meaning of international cooperation under the terms of the Convention on the Rights of the Child. It was important to know how international cooperation furthered the application of the Convention and not to dwell at length on the means employed by the Sudan to facilitate cooperation. Some cooperation was obviously necessary, especially during a period of conflict in which children were the ones who were mainly affected. She wished therefore to know, in such a situation, what were the practical measures adopted by the Sudanese Government to safeguard the best interests of children and to see to it that they were guaranteed the necessary protection.

47. Mr. ABDELHALIM (Sudan), referring to international cooperation, said that "peace corridors" across the entire country, even the former combat areas, had been established to help civilians. In addition, some agreements were applied in specific areas in northern and western Sudan. The Government hoped to succeed in creating a stable situation and to achieve an equitable peace agreement. Many political parties had been making efforts to that end since 1984. Conferences and seminars had been held in Belgium, Norway, the United States, Ethiopia and recently in Abuja (Nigeria) in order to reach an agreement, but one of the factions of the rebel movement was opposed to it. At the latest GATT summit, it had been decided that a committee composed of the Presidents of Kenya, Uganda, Ethiopia and Eritrea, should make every effort to reconcile the opposing parties. He hoped that the initiative would be successful and that the united efforts at the national and international levels would, among other things, bring about a solution to the plight of the displaced persons. A voluntary repatriation movement was taking place in most of the Sudan and the Government had set up a new body, called the "Agency for Peace and Development", which was given the necessary resources, and was helping to resettle displaced persons in the villages. The situation had improved considerably, but the fighting could resume at any time if a lasting peace agreement was not signed.

48. Mr. KOLOSOV said that all the concerns voiced by the members of the Committee at the previous session still remained. The situation in the Republic of Sudan was very serious and it had an impact on children's living conditions. The provisions of the Convention on the Rights of the Child were still far from being applied. It was gratifying to see the commitment and the personal devotion of Mr. Abdelhalim, who had helped to establish a committee to review laws pertaining to children, which would continue its activities even though it had successfully completed the tasks listed in the addendum to the initial report of the Sudan (CRC/C/3/Add.20). At present, the Sudan's priority should be to improve national legislation, on the one hand, and to create a system to follow up the application of the laws, on the other. In his view, in the absence of any valid national legislation, the Sudan would have very great difficulty in changing the customs of the country and in adopting any practical measures that would be effective. He hoped therefore that the committee headed by Mr. Abdelhalim would consider specific measures to that end and adopt them.

49. Mr. ABDELHALIM (Sudan) said he agreed with Mr. Kolosov that legislative reform and the establishment of a follow-up system were very important measures to ensure the well-being of children. The law set forth a framework and some general rules, whereas the follow-up made it possible to watch over application of the laws or programmes. He hoped that the committee set up on his initiative within the framework of the National Council for the Protection of Children would be granted permanent status. The Committee had an advisory role: it submitted recommendations on policies and on following up implementation of the targets set within the framework of the National Plan for Children and made sure that the provisions of the Convention on the Rights of the Child were respected. It was essential for that Committee to scrutinize the laws in force and make certain that they were in conformity with the provisions of the Convention. It would also be advisable to set up a subcommittee on legal matters. He hoped that the new committee would soon have specific legal provisions relating, inter alia, to the points raised during the last session (flogging, etc.).

50. Hearings in the juvenile courts were held in camera, although the delinquent's parents and lawyers were entitled to attend. A welfare file was created for each delinquent. The young defendant was rarely detained but was placed instead in a social rehabilitation and welfare institution. When a child was arrested he was always brought before the courts as soon as possible. There were three juvenile courts; however, the province of Khartoum had no court specializing in the administration of juvenile justice. He explained that the juvenile courts were governed by the 1983 Protection of Young Persons Act and assured members that the Committee he chaired would forward its annual reports to the Committee on the Rights of the Child and inform it of its difficulties. The Sudanese Committee was about to send its report to the Ministry of Justice to enable the Transitional National Council, at its next session, to formulate the necessary legislative amendments. Once adopted, the amendments would be incorporated in Sudanese law, and he undertook to send all the relevant documents to the Committee.

51. The CHAIRPERSON asked the Sudanese delegation to respond to Mrs. Santos Pais' question about the training of specialized legal personnel, and then to give particulars about article 27 (2) of the Criminal Law Act,

which provided that "the death penalty may not be imposed on a person under the age of 18 or over the age of 70. A juvenile delinquent may be sentenced to death only for an offence punishable by penalties and sanctions, in accordance with the provisions of Islamic law".

52. Mr. ABDELHALIM (Sudan), in answer to Mrs. Santos Pais' question, said that the training of the legal personnel to work with children was a part of the general legal training and that there were no specialized institutions to give courses on the administration of justice for minors and to issue a diploma in that discipline. However, training courses and seminars were organized. A seminar was to be held in November to train judges, lawyers, members of the Government Procurator's Office and legislators in that particular area. To his knowledge, there were no specialized training institutes for minors in Africa or in the Arab world.

53. As to the question of criminal responsibility, Islamic law forbade punishment of persons under the age of 18 and over the age of 70, in accordance with the Shariah. Under Sudanese law, 18 was the age of criminal responsibility, but it so happened that the age of adulthood was set at puberty. In fact, some schools of Islamic thought held that the age of majority should be the same as the age of puberty, the external signs of which were manifested from the age of 15. Freedom of religion was a fundamental human right and the provisions of the code of the "hududs" were not contrary to those of the Convention on the Rights of the Child and, furthermore, did not apply to the non-Muslims of the Sudan.

54. The CHAIRPERSON, speaking in her capacity as a member of the Committee, recalled that the Sudan had ratified the Convention on the Rights of the Child without reservation. She asked for particulars of article 2 of the 1983 Protection of Young Persons Act, which defined a juvenile delinquent as any person, male or female, from 10 to 18 years of age, convicted of an offence against the provisions of any law. In her view, that definition was contrary to the provisions of the Convention.

55. Mr. ABDELHALIM (Sudan) said that there was no inconsistency with the Convention on the Rights of the Child; the penalty of life imprisonment or capital punishment could not be imposed on a juvenile delinquent.

56. The representative of the Sudan withdrew.

The meeting rose at 1 p.m.